

October 3, 2001

Summary of *Possible* Amendments to H.R. 2646 The Farm Security Act

First listed are the two amendments made in order under the rule for the Farm Security Act. What follows are summaries of the amendments that *may* be offered to today's open-rule consideration of the bill, as reported by the Republican Conference. RSC additions to the summaries are indicated in **bold**.

POSSIBLE AMENDMENTS:

Mr. Ackerman may offer an amendment (#2) that amends definitions and unlawful practices involving nonambulatory livestock under the Packers and Stockyards Act of 1921. Specifically, the amendment states that one cannot buy, sell, transfer, hold, or drag an animal that can not walk on its own.

Mr. Andrews may offer an amendment (#3) requiring the Secretary of Agriculture (acting through the National Conservation Service) to provide up to \$600,000 in assistance annually for planning and implementation of the Repaupo Creek Tide Gate and Dike Restoration in New Jersey.

Mr. Bereuter may offer an amendment (#4) that closes a loophole in the Conservation Reserve Program (CRP) and helps ensure that the CRP is used for its intended purposes. This amendment states that only land which has been in production for four consecutive years is eligible for the CRP unless the land is already in the program.

Mr. Bereuter may offer an amendment (#5) that gives farmers the opportunity to devote a portion of their total crop acreage to conservation use. Those who participate will receive a higher loan rate on their remaining crop production. Producers could conserve up to 30 percent of their total crop acreage on an annual and crop-by-crop basis. For corn, wheat and soybeans, loan rates increase by one percent for each one percent increase in conservation use.

Mr. Bereuter may offer an amendment (#6) that enhances the capability of the Grain Inspection, Packers and Stockyards Administration (GIPSA) to monitor, investigate, and pursue the competitive implications of structural changes in the meatpacking industry. Specifically, the amendment directs GIPSA to hire litigating attorneys to allow GIPSA to more comprehensively and effectively pursue its enforcement activities. **The amendment would authorize "such sums as are necessary."**

Mr. Bereuter may offer an amendment (#7) that enhances the USDA's Rural Business and Industry Guaranteed Loan Program and promotes value-added projects. This amendment expands the loan

program to areas other than rural communities if a majority of those individuals involved in the project reside and have farming operations in rural communities and the project adds value to or processes agricultural commodities.

Mr. Blumenauer may offer an amendment (#8) prohibiting interstate movement of animals for fighting animals. It amends the Animal Welfare Act to specify that certain activities are not subject to prohibition including the selling, buying, transporting, or delivery of an animal in interstate or foreign commerce for any purpose, so long as the purpose does not include participation of the animal in an animal fighting venture.

Mr. Blumenauer may offer an amendment (#9) regarding penalties and foreign commerce provisions of the Animal Welfare Act. Specifically, it provides for increasing monetary penalties from \$5,000 to \$15,000 and prison sentences from one to two years to those who violate this act.

Messrs. Boehlert, Kind, Gilchrest, and Dingell may offer an amendment (#10) that shifts \$1.9 billion annually from commodity programs to conservation programs. The amendment increases funding for conservation programs in the bill dealing with land conservation, water quality, wildlife habitat, wetland restoration, and grassland protection. It allocates conservation funding to states based on the value of each state's agriculture production.

Ms. Bono may offer an amendment (#11) that requires retailers of fresh fruits, vegetables, or any other perishable agricultural commodity to label fresh produce with its country of origin. This label may be provided to consumers by means of a stamp, mark, placard, or other clear and visible sign on either the produce itself, or the display or holding bin. This amendment also provides for fines (**\$1000 for the first day of violation; \$250 each day in violation thereafter**).

Mr. Boswell may offer an amendment (#12, #13, #14) that establishes a renewable energy reserve containing an amount of farm commodities equal to four month's production of ethanol and bio-diesel. The cost of this amendment will be approximately \$650 million over 10 years and is offset by a percentage reduction in fixed decoupled payments for the commodity programs.

Mrs. Clayton and Mr. Peterson may offer an amendment (#15) that instructs USDA to impose a reduction of \$100 million upon the fixed, decoupled payments to agricultural producers and to distribute the money annually in the following manner: \$45 million annually for Rural Strategic Planning Initiatives; \$45 million annually for Community Water Assistance Grants; and \$10 million annually for the Value-Added Grants Program. This is offset by a \$100 million annual reduction of fixed, decoupled payments that will total \$1 billion over 10 years.

Mr. Conyers may offer an amendment (#16) that strikes section 517 of Title V (Sunset of Direct Loan Programs Under the Consolidated Farm and Rural Development Act). In addition, the measure adds a section titled "Transparency and Accountability for Minority and Disadvantaged Farmers." Specifically, this new section is designed to ensure compilation and public disclosure of data critical to assessing and holding the Department of Agriculture accountable for the equitable participation of minority, limited resource, and women farmers and ranchers in Department programs.

Mr. DeLay may offer an amendment (#17) that applies a special rule to the limitation on countercyclical payments attributable to rice contract acres in a state wherein plantings of rice on

contract acres declined by more than thirty percent in the 2001 crop year compared to the 1995 crop year.

Mr. Dooley may offer an amendment (#18) that eliminates funding for countercyclical payments to provide additional funds for nonrecourse marketing assistance loans. The amendment sets the loan rates for each crop year as 100 percent of the three-year average market price for three previous crop years. **Directs the Secretary of Agriculture to deposit \$100 million of Commodity Credit Corporation funds each of fiscal years 2002 through 2011 into the account for nonrecourse marketing assistance loans.**

Mr. Dooley may offer an amendment (#19) that directs the Secretary of Agriculture to deposit an additional \$100 million of Commodity Credit Corporation funds annually into the Initiative for Future Agriculture and Food Systems account.

Mr. English may offer an amendment (#20) to free producers in Erie County, Pennsylvania, from repaying loan deficiency payments and marketing loan gains erroneously paid or determined to have been earned by the Commodity Credit Corporation (CCC) for certain crops in 1988 and 1989. Also, if payment has been made, the CCC is directed to reimburse the borrower.

Mr. Etheridge may offer an amendment (#21) to increase the target price for peanuts to \$500 per ton rather than \$480 per ton. To offset the increase, the maximum number of acres that may be enrolled in the conservation reserve program is reduced to 38,000,000 acres.

Mr. Etheridge may offer an amendment (#22) regarding leaf tobacco's participation in the Market Access Program.

Mr. Gilchrest may offer an amendment (#23) that adds a subtitle (Subtitle H) to Title II of the measure directing the Secretary of Agriculture to establish a Conservation Corridor Program through which states, local governments, tribes, and combinations of states, may submit plans to integrate agriculture and forestry conservation programs of the USDA with state, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors. These efforts are to be done in a manner that enhances conservation benefits of the individual programs, tailors programs to state and local needs, and promotes and supports ecosystem and watershed-based conservation.

Mr. Gilchrest may offer an amendment (#24) that adds a new title to the measure (Title X) directing the Secretary of Agriculture to establish a Conservation Corridor Program through which states, local governments, tribes, and combinations of states, may submit plans to integrate agriculture and forestry conservation programs of the USDA with state, local, tribal, and private efforts to address farm preservation, water quality, wildlife, and other conservation needs in critical areas, watersheds, and corridors. These efforts are to be done in a manner that enhances conservation benefits of the individual programs, tailors programs to state and local needs, and promotes and supports ecosystem and watershed-based conservation.

Mr. Gilman may offer an amendment (#25) to include sweet potatoes and storage onions, in addition to potatoes, in a provision set forth in the Federal Crop Insurance Act.

Mr. Hall may offer an amendment (#26) that allows the administrator of the Food for Peace program to pay transportation costs when commodities are made available for non-emergency assistance for countries in transition from crisis to development, or for the least developed, net food importing countries.

Mr. Hall (OH) may offer an amendment (#27) that expresses the finding of Congress that there is a possible funding gap between the expiration of the Global Food for Education Initiative and the resumption of funding pending enactment of this bill. The amendment expresses the sense of Congress that the Secretary of Agriculture should continue to operate the Global Food for Education Initiative until the funding is appropriated.

Mr. Hall (OH) may offer an amendment (#28) that expresses the finding of Congress that there is a possible funding gap between the expiration of the Global Food for Education Initiative and the resumption of funding pending enactment of this bill. The amendment expresses the sense of Congress that the Secretary of Agriculture should continue to operate the Global Food for Education Initiative until the funding is appropriated.

In addition, the amendment allows the administrator of the Food for Peace program to pay transportation costs when commodities are made available for non-emergency assistance for countries in transition from crisis to development, or for the least developed, net food importing countries.

Mr. Holt may offer an amendment (#29) that provides “**such sums as may be necessary**” for a public education program regarding the use of biotechnology in producing food for human consumption. The amendment requires the program include science-based evidence on the safety of foods produced with biotechnology and scientific data on the human outcomes of the use of biotechnology to produce food for human consumption.

Ms. Hooley may offer an amendment (#30) excluding organically grown caneberries from Department of Agriculture authority for marketing order and research and promotion order.

Mr. Inslee may offer an amendment (#31) that adds assistance to farmers and ranchers for the assessment and development of their on-farm renewable resources, including biomass for the production of power and fuels, wind, and solar to the Environmental Quality Incentives Program (EQIP). The amendment also provides that the Secretary of Agriculture, through the Cooperative State Research, Education, and Extension Service, (CSREES) may provide education and technical assistance to farmers and ranchers for the development and marketing of renewable energy resources.

Ms. Johnson (TX) may offer an amendment (#32) that establishes an agricultural biotechnology research and development grant for the developing world. The amendment authorizes \$5 million in FY 2004 through FY 2008.

Ms. Johnson (TX) may offer an amendment (#33) directing the Secretary of Agriculture to provide \$25 million for the provision of commodities to child nutrition programs.

Ms. Kaptur may offer an amendment (#34) that amends the Agricultural Fair Practices Act of 1967 to include in the definition of "producer": (1) poultrymen; and (2) persons furnishing labor, production management, facilities, or other agricultural product production services. The amendment also defines "accredited association," "designated handler," and "bargain and bargaining."

The amendment makes it a prohibited handler practice to: (1) refuse to bargain in good faith with an accredited association; and (2) interfere with the formation or administration of a producer association, or contribute financial or other support to such an association. In addition, it authorizes producer assignment of association fees, dues, or retained amounts, grants the Secretary of Agriculture specified investigative powers, and establishes an administrative enforcement proceeding.

Ms. Kaptur may offer an amendment (#35) that establishes a reserve of agricultural commodities for the purpose of providing feedstocks to support and further the production of energy from biofuels, and supporting the biofuels industry when production is at risk of declining due to reduced feedstocks or significant commodity price increases. **Authorizes “such sums as may be necessary” through FY2009.**

Ms. Kaptur may offer an amendment (#36) that amends the Packers and Stockyards Act of 1921 to redefine "poultry grower" as any person engaged in the business of raising or caring for live poultry under a poultry growing arrangement, whether the poultry is owned by such person or by another person. (It eliminates the poultry slaughter provision from the Act's definition.) The amendment also extends: (1) administrative enforcement authority to live poultry dealers; (2) injunctive or restraining order authority to instances of poultry care; and (3) the Secretary of Agriculture's authority to issue a complaint against a live poultry dealer to any violation of such Act.

Mr. Kucinich may offer an amendment (#37) that voids seed contracts between biotech companies and farmers if they prohibit farmers from saving seeds, limit performance warranties, place product liabilities on farmer, grant biotech company access to farmer's property, mandate certain arbitration, mandate certain court of jurisdictions, or any other unfair condition determined by the Secretary of Agriculture or court.

Mr. Kucinich may offer an amendment (#38) that expands biotechnology risk assessment research funds from one percent to 10 percent of the total USDA biotech research budget.

Mr. Lampson may offer an amendment (#40) that applies a special rule to the limitation on countercyclical payments attributable to rice contract acres in a state wherein plantings of rice on contract acres declined by more than thirty percent in the 2001 crop year compared to the 1995 crop year.

Messrs. George Miller (CA) and Dan Miller (FL) may offer an amendment (#41 and #42) that reduces the loan rate for raw cane sugar by 1 cent, and the loan rate for refined beet sugar by 1.3 cents. The cuts maintain the present ratio between the two loan rates. The amendment also: increases the forfeiture penalty to 2 cents per pound of raw cane sugar (and an equivalent amount for refined beet sugar); extends the sugar program through the 2011 crop; repeals the marketing assessment effective October 1, 2003; strikes marketing allotments created in H.R. 2646; and, authorizes that up to \$300 million in cumulative savings from the amendment be devoted to conservation and environmental stewardship programs, with a priority for Everglades conservation and restoration. **Authorizes \$30 million per fiscal year through FY2011.**

Mrs. Morella may offer an amendment (#45) that states it is the sense of Congress that the Secretary of Agriculture should fully enforce the Humane Methods of Slaughter Act of 1958 by ensuring humane methods in the slaughter of livestock. In addition, the amendment states that such humane slaughter is the policy of the United States.

Mr. Pickering may offer an amendment (#46) that intends to require that the term "catfish" not be used as a common or market name for any fishes not classified within the family *Ictalariidae*. This amendment reverses an August 30, 2000, decision by the Food and Drug Administration allowing fish classified within the family *Pangasiidae* to be marketed in the United States as "catfish". Before this decision, these species were marketed in the U.S. as "basa" or "bacourti" fish.

Mr. Sanders may offer an amendment (#47) that will create two countercyclical dairy programs that are to be administered by regional supply districts. The program establishes a National Dairy Trust Fund comprised of fees assessed to processors and funds from the Commodity Credit Corporation.

Mr. Sanders may offer an amendment (#48) expressing the sense of Congress that the Secretary of Agriculture should issue a rule to restore to 185 percent of the poverty line the Elderly Income Guidelines for participation in the Commodity Supplemental Food Program so that the Guidelines are the same as the income guidelines for participation by mothers, infants, and children.

Mr. Sherwood may offer an amendment (#49) that permanently extends the Northeast Dairy Compact, which expired on September 30, 2001. The amendment also adds three additional compacts, the Southern Dairy Compact, the Intermountain Dairy Compact, and the Pacific Northwest Dairy Compact.

Mr. Smith (MI) may offer an amendment (#51) that brings payments and gains from commodity certificates and loan forfeitures into the current \$150,000 payment limit on price supports to individuals. Currently, farmers are able to circumvent payment limits through the use of certificates, which provide an unlimited benefit equivalent to that received through loan deficiency payments and marketing loan gains.

Mr. Smith (MI) may offer an amendment (#52) that requires the Secretary of Agriculture, if using the Uruguay Round adjustment authority provided for in the bill, to achieve the adjustments by reducing the amount of marketing loan gains and loan deficiency payments obtained by the persons whose marketing loan gains, loan deficiency payments and any certificates would otherwise exceed a total of \$150,00 for a crop year.

Mr. Stenholm may offer an amendment (#53) that requires the Secretary of Agriculture to conduct a review on the effect of certain farm program payments on economic viability of producers and farming infrastructure.

Mr. Stenholm may offer an amendment (#54) that allows peanut producers to receive a marketing assistance loan and loan deficiency payments through a designated marketing association of peanut producers that is approved by the Secretary of Agriculture or the Farm Service Agency.

Mr. Stenholm may offer an amendment (#55) that reduces by the funding state agencies receive to develop and implement simple application and eligibility determination systems for the food stamp program, while increasing such funding for Puerto Rico and the American Samoa.

Mr. Stupak may offer an amendment (#56) that mandates the Secretary of Agriculture and the Chief of the Forest Service to ensure that, with respect to each unit of that National Forest Service, a quality of timber is offered for sale on an annual basis that, at a minimum, is equal to annual allowable sale quality of timber specified in the management plan for that unit.

Mr. Thune may offer an amendment (#57) that directs the Comptroller General of the GAO to conduct a study with respect to determining how producer income would be affected by updating yield bases. Yield bases are not updated in the Food Security Act. The study will detail: (1) whether crop yields have increased over the past 20 years for both program crops and oilseeds; (2) whether program payments would be disbursed differently in this Act if yield bases were updated; (3) what impact this Act's target prices with updated yield bases would have on producer income; and (4) what impact lower target prices with updated yield bases would have on producer income compared to this Act.

Mr. Thune may offer an amendment (#58) to make the Farmable Wetlands Pilot Program (FWP) a permanent part of the Conservation Reserve Program (CRP). The FWP is a six-state voluntary program to restore farmable wetlands and associated buffers by improving the land's hydrology and vegetation. Currently, eligible producers in Iowa, Minnesota, Montana, Nebraska, North Dakota and South Dakota can enroll eligible land in the FWP through the CRP. The amendment would allow all states to be eligible for the FWP within the CRP.

Mr. Thune may offer an amendment (#59) that directs the Secretary of Agriculture to appoint an Interagency Task Force on Agricultural Competition. The Task Force would review the lessening of competition among purchasers of livestock, poultry and unprocessed agricultural commodities in the United States.

Mr. Thune may offer an amendment (#60) that directs the Secretary of Agriculture to appoint a Task Force on Agricultural Competition. The Task Force would review the lessening of competition among purchasers of livestock, poultry and unprocessed agricultural commodities in the United States.

Mr. Tierney may offer an amendment (#61) that requires a report from the Secretary of Agriculture regarding human health risks to eating genetically engineered foods. Also, the measure provides for an authorization of \$500,000 to carry out this report.

Mr. Traficant may offer an amendment (#62) that prohibits appropriated funds from being made available for any person or entity convicted of violating the Buy American Act.

Mr. Walsh may offer an amendment (#63) authorizing the Northeast Dairy Compact, the Southern Dairy Compact, the Pacific Northwest Dairy Compact and the Intermountain Dairy Compact, on the condition that the Department of Agriculture determines that there is compelling public interest for states to be served by regional compacts.

Mr. Walsh may offer an amendment (#64) that requires a study by the Secretary of Agriculture detailing a comprehensive economic evaluation of the potential direct and indirect effects of the national dairy policy. Specifically, the study will examine: (1) farm price stability, farm profitability and viability, and local rural economies in the U.S.; (2) child, senior, and low income nutrition programs; (3) the wholesale and retail cost of fluid milk, dairy farms and milk utilization.

Mr. Watkins may offer an amendment (#65) that provides that during the period beginning with the enactment date of this bill and December 31, 2001, in the case of a borrower who has failed to make a payment required by the Consolidated Farm and Rural Development Act with respect to real property, the Secretary of Agriculture: (1) shall suspend foreclosure on real property by reasons of the failure; and (2) may not attempt to recover payment from the borrower.
